President: The honourable member has two minutes more.

Rao Bahadur T. V. Venkiteswara Aiyar: In regard to the supply of firewood to towns and the moffusil, let me make it clear to the honourable members that till very recently there was absolutely no demand, except perhaps, in Nagercoil, for firewood from reserved forests. Not a stick from the reserve forests was removed.

Mr. M. Mohamed Mustafa: May I know how many tons of firewood are being used by Messrs. Parry and Company for their distillery?

Rao Bahadur T. V. Venkiteswara Aiyar: They are using a couple of thousand tons per year.

It is not because of the dearth of fuel that the price of firewood has gone up very high in the towns. The price has gone up from Rs. 6 to Rs. 18 per ton, but it is in keeping with the rise in price of most other essential things. Even now there is very little removal of firewood from reserve forests by the people for the purpose of selling in town as fuel. The reason is that most of the Reserve Forests are tucked away far into the eastern corners of the State and the lead from them to the town is too much for economic transport of the fuel.

President: The time for the demand has elapsed.

The question that Government be granted a sum of Rs. 19,83,576 under Demand XII—Forest was put and carried.

The grant was made.

DEMAND No. XIII—REGISTRATION.

Mr. K. Madhava Kurup (*Director of Registration*): Sir, I rise to move for a grant of Rs. 5,54,268 under Demand XIII—Registration.

Mr. G. Revi Varma: Sir, in supporting the demand, I wish to point out certain irregularities obtaining in the Sub-Registry offices. I do not mean any irregularity in the case of the service, but in the matter of registration of documents.

Sir, in this State if I present any document before any Sub-Registry Office, I can get the document registered. Suppose I execute a sale deed for the whole of the Secretariat buildings in favour of another person, and take the document and present it for registration, provided I pay the prescribed fees, I can get it registered. That gives rise to much difficulty in the Civil Courts. In British India.....

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Mr. K. A. Raman Pillai (*Municipal Councils*): May I know whether that will confer any right upon you ?

Mr. G. Revi Varma: Apart from the question of conferring any right, that creates difficulty and multiplication of documents and it interferes with the work of the Courts and also gives rise to much litigation. In British India ... ...

Mr. Mohamed Mustafa: May I know from the honourable member whether it is not the duty of the purchaser to look to the property rights before registering ?

Mr. G. Revi Varma: Irrespective of that question of any title being conferred by the document, my complaint is that any document presented to the Sub-Registry Office is registered automatically. Why should such documents which convey no title be registered ?

I will just state what is obtaining in British India. If I take a document for registration to a Sub-Registry Office, I cannot get it back registered on the same day. The Sub-Registrar has been given powers under the Law obtaining in British India to know first of all, whether the execution of the document confers the executee any title on the lands conveyed under the Deed. I know this from personal experience. There is a verification of the title of the property contained in the documents before registration. If registration is refused I may take it on appeal before the District Registrars and get it registered. The difficulty here is that the Sub-Registrars in this State have no access to the records which establish the right of a person on the property. In British India every three years pattas are renewed and issued by the Land Revenue authorities. A copy of the list of the pattas is in the Sub Registry Offices. I hope something will be done to eliminate the difficulties arising from these registrations. Of course this might involve the question of revising the records of title.

Mr. K. G. Kunjukrishna Pillai (*Legal Remembrancer to Government*): One question, Sir. Will the honourable member please quote the section of the Registration Act where this provision is contained ?

President: I am rather puzzled by what has fallen from the honourable member. I have not much practice of the Registration Courts. But does the honourable member mean to say that a person cannot convey or mortgage his right or title of interests in a piece of property, although he may not be the registered owner of that property ? For instance, supposing the property belongs to a trustee and stands in his name, does it prevent a single member conveying his title to somebody ?

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Mr. G. Revi Varma: If he has no patta in his name or proprietorship... ... ...

President: Order, order. Supposing a man says 'I have a contingent interest, or I have an interest as a member of a joint family to 1/100th share of the property and I want to sell away my share'; his name will not come in the patta register. Do you mean to say that that document will not be registered in British India?

Mr. G. Revi Varma: I do not know about that particular case. But whenever a sale deed is presented, scrutiny is being done by the Sub-Registrars. There should be a list of pattas granted to the ryots or the latest Pokkuvaravu records should be maintained in the Sub Registry offices also. Perhaps this requires a thorough revision of the rules of the Department. I do not know how to suggest for legislation in the matter. A Committee may be appointed to look into that question and make certain rules so that such documents are not registered in the Sub-Registry offices.

Mr. G. Narayana Aiyar: May I know from the member whether the certificate granted by the Sub-Registrars in British India endorses the accuracy of the documents registered?

Mr. G. Revi Varma: Yes. That is another matter which I wish to point out. My point was about the scrutiny of the document. If I take a document to a Sub-Registry office at 6 P. M. I can get it registered before 6-30 P. M. that day. The Sub-Registrar does not even read the document. It is highly necessary that some sort of record showing title on lands should be kept in the Sub-Registry offices. That will be a record of title in the Sub-Registry offices and the Sub-Registrar can scrutinise whether the executant of the document has a right to property conveyed under the sale or not. This is an important question though I have not been able to put it properly. If the Director of Registration wants any detailed information with regard to this matter, I will give him.

Mr. K. Shahul Hameed: Sir, when this Demand came up for discussion elsewhere, it caused a flutter. It imported into the debate more of heat but less of light. I trust the same fate will not over-take it on the floor of the House; being a Council of Elders I hope we will be able to view things dispassionately without generating much of heat.

Sir, the year 1119 was one in which there was an over-flow of money. There was easy and cheap money throughout the State. As a result of the over-flow there was a phenomenal increase in the registry of documents. Some of the Sub-Registrars—I do not

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say all—succumbed to the temptations of this over-flow. Of course the Director of Registration was very vigilant. He caught them red-handed ; three or four of them had to stand an open enquiry as a result of which at least three of them were sacked. The Director of Registration succeeded in weeding out corruption from the department. Now, Sir, there are 101 Sub-Registry offices in the State. I do not know the principle on which their territorial jurisdiction is allocated. I suggest that a re-allocation of their jurisdiction be made comprising an equal number of pakuthies in each jurisdiction. We can fix a minimum number of documents, say 2,500, so as to justify the existence of a Sub-Registry office in a particular place. In this connection, I would refer the honourable member in charge of the Department, by way of illustration, to two Sub-Registry offices at Chadayamangalam. These might have been started there with a view to meeting the increased number of documents to be registered. But it may not last long. There is the necessity of a Sub-Registry office at Kilimanoor. Why not one of them be transferred to Kilimanoor so as to satisfy the needs of the people there? If such a re-allocation is made, under each Sub-Registrar there will be more or less an equal number of pakuthies comprising his jurisdiction. With these few words, I support the Demand.

Mr. T. M. Chidambarathanu Pillai: Sir, I support the Demand. Travancore is not wanting in litigation. There is a complaint all round about delay in litigation. The first stage of litigation starts from the Registration Department. My idea is that if stringent measures are taken in the Registration Department, litigation will be minimised. Now no body is concerned in the writing of documents. Persons who are not versed in legal principles are the writers of documents. The interpretation of document, title and all that lead to litigation. In regard to this the Registration Director has framed certain rules controlling the draftsman and introducing certain elements encouraging Vakils as conveyancers. My friend Mr. Revi Varma was referring to the practice in British India. There, whenever a sale-deed is presented for registration, it is immediately sent to the Revenue Inspector, who transfers patta and returns it within two days. That has been my personal experience. That may be introduced here also. We are concerned only with the sale-deeds and not with mortgage and other deeds. Immediately a sale-deed is presented, it must be sent for verification. I think that is the idea put forward by Mr. Raja. If that is done, that will minimise litigation to a certain extent. The Taluk people whenever they get such documents must immediately transfer patta and inform the Registration Department.

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Mr. K. G. Narayana Panicker: Suppose a joint property is transferred by a patta holder, will its registration give a right?

Mr. T. M. Chidambarathanu Pillai: We are not going to decide the right in the Registration Department. That is why I say that the matter must be referred to the Revenue Department.

Mr. K. S. Joseph: Sir, I oppose the grant. The first reason for opposing the grant is that there has been an increase in the rate of registration for documents over Rs. 900. Nobody has explained why there has been an increase and I still do not know the reason. The system had been in existence for a very long time, and if, without sufficient reasons, the increase is made, I am certainly opposed to it.

My next point is that, without meaning any disparagement to the Department or its head, it cannot be gainsaid that there is some corruption in the Department. Without going into the extent of it or trying to make serious allegations, let me make a suggestion. Ordinarily, in a Sub-Registry office there will be one Sub-Registrar and four or five clerks. A clerk may possibly be able to copy six pages of foolscap size in an hour. I am putting it rather too high, I would be more correct if I say five pages. So working for five hours in a day, a clerk may not be able to copy more than twenty five pages. If there are five clerks they may be able to copy 125 pages. If we take the average size of a document as three pages or four pages, a Sub-Registry office staff may be able to copy 30 to 40 documents in a day. If more deeds are presented for registration, the Registrar is put to difficulty. If he does not register the 31st or the 41st a man brings, a complaint against the Sub-Registrar will be lodged. If he registers it, it is likely that the clerks will complain because they are put to extra work. Very often clients who go to a Sub-Registry office, especially when there is a partition or release in which a number of parties have to go, it will be very inconvenient for the heterogenous group to come again. Therefore we find that such parties are willing to give, as somebody suggested, a tip—it does not matter by what name you call it. Therefore I would suggest that, after a certain number of documents are taken, if other documents are brought for registration a late fee may be charged which may be divided among the staff so that it will be a sort of extra wage for extra work. I think that would, to a very large extent, though not completely, reduce corruption that is said to be in the Department.

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Mr. K. A. Raman Pillai : Sir, I support the Demand. Mr. Joseph said that there is some sort of corruption in the Registration Department and his argument was that because of the pressure of work there is a tendency for corruption in the department. What I say is that that is a fallacious argument. Nobody is going to be corrupt because he has got pressure of work. In the case of corruption, it is something like a bilateral transaction. There are two parties. There is the giver and there is the taker. Temptation is held out to a particular person and the other person succumbs to the temptation. So long as human nature remains as it is, cases of corruption may sometimes occur. So far as the Registration Department is concerned, there were certain stray cases of corruption here and there. Those were isolated cases and those cases were detected and the offenders brought to book. Cases of corruption are on the decrease. In spite of the fact that the volume of work in the department has increased like anything, in spite of the fact that innumerable documents were registered during the last two or three years, in spite of all these facts, corruption is on the decrease. Whenever there is a case of corruption, immediately the Registrar goes to the spot, catches hold of the offender and he is summarily dealt with. Sir, as far as you are concerned, you are certainly very kind. But if a case of corruption is brought to your notice, the man is doomed. So that, there is absolutely no scope for corruption in any department, as far as I know.

With regard to corruption, I may say that the modern tendency is even to discountenance the theory of deterrent punishment. Some sort of reformative education must be imparted. There are ever so many theories of punishment; the reformative, the retributive, the vindictive and the punitive. Crime is probably something like a disease of the mind. It is a mental disease. For a physical disease certainly nobody is going to be punished. He has to be treated. In the same way, some sort of education must be imparted for reforming people. That is the point I wish to stress. In conclusion, what I wish to point out is that there is absolutely no foundation for the statement that there is corruption in the Department which is not detected and brought to book.

Mr. K. G. Narayana Panicker : Sir, I support the Demand. Before a charge of corruption is levelled, it would have been fair if any complaint is brought to the notice of the Head of the Administration and if that is not attended to, then such charges could have been brought to the notice of the House and remarks made. So far as I can say, prompt action is taken on any complaint not only in this Department but also in all departments. I think it would be unfair to make any remarks of charges of corruption when it is quite plain that the head of the Department is very vigilant and cases taken and offenders brought to book. As such, I support the Demand.

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Mr. M. Govindan : Sir, I also support the Demand. I would not have spoken at all had not some of my friends by their observations induced me to say one or two words. My friend Mr. Raman Pillai would say that human nature being what it is corruption will go on, and not only that, there is no corruption worth the name. He ended by saying that punishment is not the proper method, but some education is necessary. My friend is usually practical, but in the case of education, I am afraid, what we can do. Are we to advise the head of the Department to open a school where lectures may be delivered ? I think it is a most impracticable suggestion. The method that is adopted by the present Director is the proper method. He pays surprise visits, gets hold of the people who are at fault, dispenses with their services and prosecutes them before courts where it is found necessary ; exactly the thing that can be done under the circumstances. Now, I wish to say one thing, Mr. Raman Pillai said that increase of work has no relation to corruption. My own impression is that it has. If instead of 50 documents which they can get through there are 100 documents, the question of preference and other things come in. They will wait a little and finish more documents if there is temptation held out. My own impression is that the only remedy is to add to the number of Sub-Registry offices. Now you have got a certain number, say X. Have X plus X. Why not their number be doubled when the total number of documents registered has quadrupled. We have to spend money in such matters. We should not stint. I therefore support the Demand.

Mr. G. Narayana Aiyar : Sir, I also support the Demand. In the registration certificate issued from the department there appears to be a clause that the department is not responsible for any omission or mistake in the certificate whereas in the certificate issusd in British India there is a specific guarantee that the particulars mentioned therein are correct. The public is not given any guarantee as regards the accuracy of the certificate. The applicant is allowed in certain cases to see the records and verify it. In case the applicant does not verify the accuracy of the certificate, the department does not undertake the responsibility of the accuracy in the certificate. In issuing such certificates if it is stated that the department is not responsible for inaccuracy, what is the security of a Government department or a document given by the department? In all copies issued by all departments there is a sanctity or assurance that it is a true copy and that it contains all the particulars required. In this department alone there seems to be an exception. When the matter was brought to the notice of the Director on a previous occasion he was kind enough to say that so long as the revenue records are in a confusion it is not possible to guarantee any sort of accuracy or sanctity with regard to the document.

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Mr. K. G. Kunjukrishna Pillai: Is it due to the fault of the Registration Act or the rules thereunder?

Mr. G. Narayana Aiyar: I do not know. In the prescribed Registration Certificate Form it is printed on the back of it that nobody is responsible. I do not know how it came about. The form printed from the Government Press under the Registration rules specifically says that the department is not responsible for the inaccuracy or omission if any. So I request the Government to see that some sort of accuracy is guaranteed as is being done in the case of other departments, by making the necessary remedial measures as early as possible.

Mr. K. Madhava Kurup: Sir, it is a very important point which the honourable member Mr. Revi Varma made. The Registration Act in British India and Travancore are more or less identical, and the recent amendment under which documents can be registered in any office has not altered the position so far as this point is concerned. That has only prevented the entry of a fictitious item of property in the document. The one great difficulty with regard to Sub-Registry offices maintaining perfect records is that we are working upon the Settlement Registers which are decades old. In British India transfers of registries are made regularly and there is an arrangement underwhich the Taluk offices send to the Sub-Registry Offices quarterly what they call 'Village B Registers.' There is no such arrangement here; and so long as that is not done, so long as the Settlement Register cannot be kept up-to-date, it is not possible to refuse registration of a document on the ground that the name given in the Settlement Register is different from the name mentioned in the document. The area and the survey number are being verified. The land records are not as up-to-date as is to be desired and the Registration Department is not in possession of up-to-date records. So long as that continues there is nothing to prevent.....

Mr. G. Revi Varma: Does the honourable member know that the Revenue Department have not got all the Settlement Registers, measurement sketches and survey plans? They have been lost or perished.

Mr. K. Madhava Kurup: If the honourable member Mr. Revi Varma comes to Trivandrum Sub-Registry Office and presents a document selling the Secretariat Building to somebody else, it will be registered. But that would not give any right to the transferee. And usually nobody would sell a property to which he has no right. The evil and the mischief are not so great as might at first sight appear.

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Mr. G. Revi Varma: I have met with such documents in my profession.

Mr. K. Madhava Kurup: In British India, as soon as a document is presented, the Sub-Registrar checks it with the Settlement Register and other relevant records. But here there is no arrangement for such checking. I have asked the Sub-Registrars to verify the area and the sub-division and the number in the Settlement Register. But it is not a very satisfactory arrangement.

President: Section 14 of the Registration Act only refers to the accuracy of description.

Mr. K. Madhava Kurup: For identifying the property. It was suggested that the territorial jurisdiction of the Sub-Registry Offices should be revised and that the same number of pakuthies may be given to each offices. As it is, each taluk headquarter has got a Sub-Registry Office. When there is pressure of work in a particular place, new offices are opened. It is only in this way that we have now got 101 office in the State. The honourable member who referred to the subject suggested that Kilimanoor might be given a Sub-Registry Office. In fact the people at Kilimanoor have been trying for some time to have an office there, But there are only 3 or 4 pakuthies which can properly come under the jurisdiction of Kilimanoor and the total number of documents in the four pakuthies—Kilimanoor, Pazhayakunnumel, Nagavoor, Koduvazhanoor, was only 1,980 last year and even in the peak year of 1118 it was only 2,864. So for the time being they will have to be satisfied by going to Attingal which is not far away.

Mr. K. Shahul Hameed: May I know from the honourable member whether the figures which he has given are not sufficient to justify the establishment of a Sub-Registry Office there?

Mr. K. Madhava Kurup: No, Sir, they do not. The average number of documents is more than 5,000 in a Sub-Registry Office and there are only 3 offices in the State which do not get more than 3,000 documents a year. The present number in Kilimanoor is, therefore, inadequate to justify the establishment of a Sub-Registry Office. However, temporary offices have been opened for particular periods to cope with the pressure of work during 1117 and 1118 and having regard to the downward trend in the volume of work—as a matter of fact there has been a decline of about one lakh of documents in 1119 as compared with 1118—these temporary offices have to be abolished one by one.

Mention was made about the increase of fees in the Registration Department. The increase took place about the middle of Vrischigom 1118 and this is the first time that a complaint or a criticism

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has been made about it. It would show that the burden has not been heavy at all. The fees have been raised only in regard to documents the consideration for which is more than Rs. 900. Elsewhere in the Madras Presidency the registration fees have been raised by 50 per cent. Here there has been no such increase. In 1118 we had an increase of Rs. 8½ lakhs in fees owing to the increase of work and the actual revenue due to the raising of fees was only less than Rs. 1½ lakhs. That shows how light the burden has been.

Mr. G. Narayana Aiyar : May I know from the honourable member whether registration fees levied in Cochin are far greater than those levied here?

Mr. K. Madhava Kurup : I think they are. In fact in British India and Cochin the rates are higher. It may also be mentioned that the Congress Ministry raised the fees in Madras. In British India, the stamp duty has also been considerably enhanced.

Mention was made by the honourable members about the licensing of document writers. That question is engaging the attention of the Government. A committee was appointed to consider the whole question ; they drafted certain rules ; but subsequently at the last stage when the rules were about to be issued, the Bar Council passed a resolution urging that Advocates and Pleaders should be given more or less a monopoly for writing documents. That matter is under the consideration of the Government. The Government are very keenly alive to the need for improving conveyancing and for exercising some sort of control over the document writers.

The question of levying a late fee was also suggested. In the first place, of the 101 offices, there are two offices which registered more than 10,000 documents. There are eight or 10 offices which raised more than 8,000 documents. It is not possible to fix a particular maximum which a Sub-Registry Office should take. It will depend upon a number of considerations, *viz.*, the time taken, the number of parties and the length of the documents besides the individual capacity of the particular officer. Therefore it will not be possible to fix a maximum for any particular office.

Mr. K. S. Joseph : Cannot some minimum be fixed?

Mr. K. Madhava Kurup : It has to be changed every time an officer is transferred. Further, the length of a document may be more than 200 pages of a register and it is not possible for a clerk to copy more than 18 pages in the register. If late fees are

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[Mr. K. Madhava Kurup.]

introduced, it is very likely that corruption also might accompany it. In fact I am surprised that the suggestion for the levying of late fees came from an honourable member who objected to the levy of this bagatelle of increase in fees.

Mr. K. S. Joseph: It is meant for people who want to get the document registered on that very day,—for people who care more for convenience than for money.

Mr. K. Madhava Kurup: There are rules under which documents cannot be accepted for registration after sunset. If late fees are introduced there will be more complaints about corruption. It will be said that the office kept the people waiting until a late hour and then levied fees. Therefore it is better not to place further temptations in the way of those in Sub-Registry Offices.

Mr. K. S. Joseph: If the number of pages is fixed, the complaint cannot be made against the Sub-Registrar. If the number of pages to be written is fixed.....

Mr. K. Madhava Kurup: For each office there is a number which is more or less stationary and a sufficient number of clerks is appointed for doing the work on the very same day.

The question that Government be granted a sum of Rs. 5,54,268 under Demand XIII—Registration, was put and carried.

The grant was made.

DEMAND XIV—RAILWAYS.

Mr. S. Narayana Aiyar: Sir, I move for a grant of Rs. 89,800 under Demand XIV—Railways.

Mr. N. Narayana Kurup: സർ, ഈ റയിൽവേ ഭരണം സംബന്ധിച്ചുള്ള ഡിമാൻറിനെ അനുകൂലിക്കുന്നതോടുകൂടി അവിടെ നടക്കുന്ന അഴിമതികളേയും അനീതികളേയും കുറിച്ച് രണ്ടു വാക്ക് പറയണമെന്നു വിചാരിക്കുന്നു.

റയിൽവേസ്റ്റേഷനുകളിൽ ടിക്കറ്റുകാര്യം എടുക്കാൻ വളരെ വിഷമം ഉണ്ട്. പ്രധാന സ്റ്റേഷനുകളിൽ നിന്നും ക്ലിപ്തമായിട്ടുള്ള നമ്പർ ടിക്കറ്റുകാര്യം മാത്രമേ കൊടുക്കുകയുള്ളുഎന്നു നിയമം ഉണ്ടെങ്കിലും ഈ സ്റ്റേഷനുകളിൽനിന്നു ധാരാളം ആളുകൾക്ക് കൊല്ലം തിരുവനന്തപുരത്തിനിടയ്ക്ക് എവിടെ ഇറങ്ങാനും ടിക്കറ്റുകിട്ടുന്നുമുണ്ട്. എന്നാൽ കൊല്ലത്തുനിന്നും തിരുവനന്തപുരത്തേക്കും തിരുവനന്തപുരത്തുനിന്നും കൊല്ലത്തേയ്ക്കും പോകാൻ ഉള്ള ടിക്കറ്റുകാര്യം ലഭിക്കാൻ വലിയ വിഷമമാണ്. വണ്ടി പുറപ്പെടുന്നതിന് ഒരു മണിക്കൂറിനു മുമ്പ് ടിക്കറ്റ്

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